

Phillip A. Raymond, Esq.  
McCalla Raymer Leibert Pierce, LLC  
485F US Highway 1 S  
Suite 300  
Iselin, NJ 08830  
Telephone: (732) 902-5399  
NJ\_ECF\_Notices@mccalla.com  
Attorneys for Secured Creditor

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In re:	Chapter 13
Sharon Truffin,	Case No. 19-23622-JKS
	Hearing Date: March 26, 2020 at 10:00 AM
Debtor.	Judge: John K. Sherwood

**RESPONSE BY MORTGAGEE, BAYVIEW LOAN SERVICING, LLC, TO DEBTOR'S  
MOTION FOR APPROVAL TO SELL REAL PROPERTY LOCATED AT 8 MEADOW  
LANE, ROSELAND, NEW JERSEY 07086**

Bayview Loan Servicing, LLC ("Secured Creditor"), by its counsel, McCalla Raymer Leibert Pierce, LLC, states the following grounds as and for the following Response to Sharon Truffin's ("Debtor's") Motion for Approval to Sell Real Property (the "Motion"):

1. Secured Creditor holds the perfected first mortgage on Debtor's real property; the property known as 8 Meado Lane, Roseland, New Jersey 07068 (the "Property"). On January 10, 2001, Debtor and Carlos Truffin (collectively, the "Borrowers") executed a note in favor of PNC Mortgage Corp. of America, an Ohio Corporation ("PNC") in exchange for a loan in the original sum of \$250,000.00. As security for the loan, Borrowers executed a mortgage in favor of PNC consenting to a mortgage lien being placed on the Property. The Mortgage was recorded prepetition on January 12, 2001 in the Essex County Clerk's Office. The note and mortgage were

subsequently transferred/assigned to Secured Creditor. On September 18, 2019, Secured Creditor filed a Proof of Claim as claim #5-1 on the Claims Register, which evidenced pre-petition arrears of \$158,414.31 and a total claim of \$484,512.90.

2. On July 12, 2019, Debtor commenced the instant case by filing a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code. (Docket Entry No. 1).

3. On March 3, 2020, Debtor filed the Motion seeking to sell the Property for the sum of \$850,000.00 which was made returnable on March 26, 2020, due to this Court's Order shortening time. (Docket Entry No. 32).

4. Upon information and belief, the total amount needed to payoff Secured Creditor's loan is approximately \$513,237.44. NOTE: Debtor may not rely upon this amount as a payoff of Secured Creditor's lien.

5. Secured Creditor notes that the closing was to occur on January 1, 2020. Presuming the sale is rescheduled and not cancelled, Secured Creditor has no objection to the proposed sale of the Property pursuant to Section 363 of the Bankruptcy Code provided that Secured Creditor's lien attaches to the proceeds of the sale, and provided that the proceeds from the proposed sale are sufficient to (a) pay Secured Creditor's loan in full, which is due and owing as of the closing on the Property with all subsequent fees and interest due thereupon, or (b) as otherwise agreed in writing by Secured Creditor.

6. Additionally, the balance of what is due and owing as of the date of closing must be paid at closing from the proceeds of the sale of the Property. In the event that less than the full amount is to be tendered at closing, such short sale is subject to Secured Creditor's review and approval.

7. Secured Creditor further requests the Order authorizing the sale require the sale of

the Property be completed within the next one-hundred and twenty (120) days after entry of the Order.

8. If the aforementioned requests are addressed, Secured Creditor files this Response to ensure that Secured Creditor's claim will be paid in full at closing and to advise that it otherwise has no objection to the Motion.

Dated: March 13, 2020

McCalla Raymer Leibert Pierce, LLC  
Attorneys for Bayview Loan Servicing, LLC

By: /s/Phillip Raymond  
Phillip A. Raymond, Esq.

Phillip A. Raymond, Esq.  
McCalla Raymer Leibert Pierce, LLC  
485F US Highway 1 S  
Suite 300  
Iselin, NJ 08830  
Telephone: (732) 902-5399  
NJ\_ECF\_Notices@mccalla.com  
Attorneys for Secured Creditor

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In re:	Chapter 13
Sharon Truffin,	Case No. 19-23622-JKS
	Hearing Date: March 26, 2020 at 10:00 AM
Debtor.	Judge: John K. Sherwood

**CERTIFICATION OF SERVICE**

1. I, \_\_\_\_\_:  
☐ represent the \_\_\_\_\_ in the above-captioned matter.  
☐ am the secretary/paralegal for McCalla Raymer Leibert Pierce, LLC who represents the Secured Creditor.  
☐ am the \_\_\_\_\_ in the above case and am representing myself.
2. On March 13, 2020, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below:
  - **Response by Mortgagee, Bayview Loan Servicing, LLC, to Debtor's Motion for Approval to Sell Real Property located at 8 Meadow Lane, Roseland, New Jersey 07086**
3. I hereby certify under penalty of perjury that the above documents were sent using the mode

of service indicated.

March 13, 2020

Date

/s/Phillip Raymond

Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Marie-Ann Greenberg Standing Chapter 13 Trustee 30 Two Bridge Road Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Name of Electronic Filing (NEF) <input type="checkbox"/> Other NEF, per D.N.J. LBR 5005-1(as authorized by court or by rule. Cite the rule if applicable*)
Sharon Truffin 106 Summit Avenue Bloomfield, NJ 07003	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Name of Electronic Filing (NEF) <input type="checkbox"/> Other NEF, per D.N.J. LBR 5005-1(as authorized by court or by rule. Cite the rule if applicable*)
Stuart D. Minion Minion and Sherman 33 Clinton Road Suite 105 West Caldwell, NJ 07006	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Name of Electronic Filing (NEF) <input type="checkbox"/> Other NEF, per D.N.J. LBR 5005-1(as authorized by court or by rule. Cite the rule if applicable*)
Office of the United States Trustee One Newark Center 1085 Raymond Boulevard Suite 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other: NEF, per D.N.J. LBR 5005-1(as authorized by court or by rule. Cite the rule if applicable*)

- \* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.